

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEVE BALBOSE,

Petitioner,

v.

ORLANDO RODRIGUEZ,

Respondent.

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Civil Action No. 17-1830 (JMV)

OPINION

APPEARANCES:

STEVE BALBOSE

Elizabeth Detention Center

625 Evans Street

Elizabeth, NJ 07201

Petitioner, *pro se*

DANIEL WILLIAM MEYLER

Office of the U.S. Attorney

District of New Jersey

970 Broad Street, Suite 700

Newark, NJ 07102

On behalf of Respondent

VAZQUEZ, United States District Judge

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on March 16, 2017. (ECF No. 1.) He alleges a violation of his right to due process based on prolonged detention in the custody of Immigration and Customs Enforcement. (“ICE”). (*Id.*) Petitioner is confined in, and he has been in custody since July 27, 2016. (*Id.*, at 2.)

Respondent submitted a letter response to the petition on April 10, 2017. (ECF No. 4.) Respondent does not object to a remand ordering an Immigration Judge to provide Petitioner with

a bond hearing, in accordance with 8 C.F.R. § 1003.19(c). The Court will, therefore, grant the habeas petition and order Respondent to provide Petitioner with a bond hearing. *See Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 478 (3d Cir. 2015) (due process requires that detention without bail pursuant to 8 U.S.C. § 1226(c) be limited to a reasonable period of time to further the goals of the detention statute.)

An appropriate Order follows.

Date: April 25, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge